THE DABHEL-SIMLAK MADRESSA (REPEALING) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.

2. Repeal of Baroda Act II of 1941 and Board of Trustees and Board of Management appointed under the Act to cease to be in office.

3. Madressa to be public trust and regulated under Bombay Public Trusts Act, 1950.

4. Transitory provision for vesting of property of Madressa and its administration.

5. Collector to make application for having entries made in register under section 17 of Bombay XXIX of 1950.

6. Collector to file suit under section 50 of XXIX of 1950.

BOMBAY ACT No. XLV OF 1955.[1]

[THE DABHEL-SIMLAK MADRESSA (REPEALING) ACT, 1955.]

[*23rd November 1955*]

An Act to repeal the Dabhel-Simlak Madressa Act (Baroda Act II of 1941) and to provide for the administration of the trust governed by the said Act.

WHEREAS the Dabhel-Simlak Madressa Act (Baroda Act II of 1941) was enacted by the former Baroda State to provide for the administration of the institution known as the Madressa Jamia-Islamia Dabhel-Simlak ;

Bom. IV of 1950. And whereas on the merger of the State of Baroda, the said Act has been continued in force under section 5 of the Bombay Merged States (Laws) Act, 1950, read with the Fifth Schedule thereof ;

Bom. XXIX of 1950. And whereas certain donors, trustees and beneficiaries of the said Madressa have applied for the repeal of the said Act and to provide for the administration thereof under the Bombay Public Trusts Act, 1950 ;

Bom. XXIX of 1950. And whereas it is expedient to repeal the said Dabhel-Simlak Madressa Act and to provide for the administration of the said Madressa under the provisions of the Bombay Public Trusts Act, 1950 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Dabhel-Simlak Madressa (Repealing) Act, 1955.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Repeal of Baroda Act II of 1941 and Board of Trustees and Board of Management appointed under the Act to cease to be in office.

2. (*1*) The Dabhel-Simlak Madressa Act (Baroda Act II of 1941) (hereinafter called "the repealed Act") is hereby repealed and the entry relating to that Act in the Fifth Schedule to the Bombay Merged States (Laws) Act, 1950, is hereby repealed.

Bom. IV of 1950.

(*2*) The Board of Trustees and the Board of Management constituted under the repealed Act shall be dissolved and the members of the said Boards shall cease to be in office.

Madressa to be public trust and regulated under Bombay Public Trusts Act, 1950.

3. From the date on which this Act comes into force, the Madressa Jamia-Islamia Dabhel-Simlak together with all its branches (hereinafter called the said Madressa) shall be deemed to be a public trust to which the Bombay Public Trusts Act, 1950 (hereinafter referred to as "the said Act"), applies subject to the provisions of this Act, and shall be deemed to have been registered under the said Act.

Bom. XXIX of 1950.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, page 282.

Transitory provision for vesting of property of Madressa and its administration.

4. Notwithstanding the repeal of the repealed Act and the application of the said Act to the Madressa, until the settlement of a scheme and the appointments of new trustees are made and the directions are given in a suit filed under section 50 of the said Act by the court competent to act under the said section—

(*a*) all properties, moveable and immovable, belonging to the said Madressa shall vest, for the time being, in the Collector of the Surat District (hereinafter referred to as the said Collector) as trustee of the said Madressa and the said Collector shall administer the said Madressa and its properties for the purpose of the said Madressa;

(*b*) the duties and powers of the said Collector shall be in accordance with sections 12 and 13 of the repealed Act so far as the said provisions are applicable and are not inconsistent with the provisions of the said Act;

(*c*) the servants of the Madressa and Mohtamin appointed and holding office immediately before the date of the repeal of the repealed Act shall continue to hold office on the same terms and conditions on which they were appointed, but subject to the control of the said Collector.

Collector to make application for having entries made in register under section 17 of Bom. XXIX of 1950.

5. As soon as after this Act comes into force, it shall be the duty of the said Collector to make an application to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the said Madressa is situated for having the necessary entries relating to the said Madressa made in the register kept under section 17 of the said Act. The provisions of sections 18, 19, 20, 21 and 22 of the said Act shall, so far as may be, apply to such application, the recording of findings and the making of entries in the register kept under the said section 17.

Collector to file suit under section 50 of Bom. XXIX of 1950.

6. It shall also be the duty of the said Collector to file, as soon as after this Act comes into force, a suit under section 50 of the said Act, in a court competent under the said section 50,—

(*a*) for the appointment of a new trustee of the said Madressa;

(*b*) for the settlement of a scheme for the administration of the said Madressa; and

(*c*) for such other reliefs as may be necessary in the interests of the said Madressa.